

REMARKS

Claims 1-20 were pending in the application. Claims 1, 7 and 9-13 have been amended herein. Claims 5, 6, 18, and 19 have been cancelled without prejudice. Accordingly, once the amendments presented herein have been entered, claims 1-4, 7-17 and 20 will remain pending. Support for the amendments to the claims can be found in the specification and claims as originally filed. No new matter has been added.

Rejection of Claims 1-20 Under 35 USC 112, First Paragraph

The Examiner has rejected claims 1-20 under 35 USC 112, first paragraph because the specification, “while being enabling for the treatment of blood clots, does not reasonably provide enablement for prevention of blood clots.” Applicants respectfully traverse this rejections.

The specification provides extensive teachings directed to preventing clot formation. For example, the specification teaches that thrombolytic agents such as urokinase and t-PA when administered to a subject can prevent clot formation (see, for example, page 3, lines 5-8 of the specification). Applicants further teach how and in what dosage these agents are administered to a subject (see, for example, page 7, lines 2-9 of the specification). Finally, the Inventors have used the methods taught in the instant invention to perform a clinical trial in which it was demonstrated that administering a thrombolytic agent to a subject prevents the formation of blood clots. Specifically, in post filing data, the inventors demonstrate that treatment of subjects the t-PA prevents the reoccurrence of blood clots. This date can be submitted in the form of a declaration if the examiner so desires.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

Rejection of Claims 6, 7, 9-15 and 19-20 Under 35 USC 112, Second Paragraph

The Examiner has rejected claims 6, 7, 9-15 and 19-20 under 35 USC 112, second paragraph as being indefinite.

Applicants have amended claims 6, 7, 10 to spell out the abbreviations t-PA, rt-PA, EVD and CT in the first instance.

Applicants have amended claims 9 and 11-15 so as to clarify the meets and bounds of the claims.

Claims 18 and 19 have been cancelled thereby rendering the rejection of these claims moot.

Accordingly, applicants respectfully request reconsideration and withdrawal of the rejections under 35 USC 112, second paragraph.

Rejection of Claims 1-4, 6-10 Under 35 USC 102(a)

The Examiner has rejected claims 1-4 and 6-10 as being anticipated by Naff et al.

Enclosed herewith is a Declaration of Neal Naff and Daniel Hanley, which indicates why the authorship in the cited reference is different than the inventorship of the present application. The executed copy of this declaration is not yet available and will be find under separate cover shortly. This Declaration establishes that the additional persons listed as an authors on the cited publication are not co-inventors of the presently claimed invention. Accordingly, it is believed that the rejection is obviated. See, In re Katz, 215 USPQ 14 (CCPA 1982).

Rejection of Claims 1-5, 7, 10, 15 and 18 Under 35 USC 102(b)

The Examiner has rejected claims 1-5, 7, 10, 15 and 18 under 35 USC 102(b) as being anticipated by Wright et al. Applicants disagree with this rejection. However, solely in the interest of expediting prosecution, and in no way acquiescing to the validity of the Examiner's rejection, claim 1 has been amended. Specifically, claim 1 has been amended to indicate that the thrymbolytic agent is t-PA or rt-PA.

Wright et al. does not teach or suggest the use of t-PA or rt-PA. Accordingly, Wright et al. does not anticipate the claimed invention.

Accordingly, applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

Rejection of Claims 1-5, 7, 10, 15 and 18 Under 35 USC 103(a)

The Examiner has rejected claims 1-20 as being unpatentable over Naff et al. in view of Wright et al.

As discussed above, Naff et al. is not a prior art against the instant invention as it is published by the Inventors not more than 1 year prior to the priority date of the instant application.

Accordingly, the foregoing rejection is obviated by the removal of the Naff et al. reference as art against the instant application. Wright et al. alone does not render the pending claims unpatentable.

Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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